

SUBSTANDARD LIVING CONDITIONS SPECIAL COMMITTEE

FEBRUARY 11, 2016

A meeting of the Substandard Living Conditions Special Committee was held Thursday, February 11, 2016, at 7:00 p.m. in the Aldermanic Chamber.

Alderman Ken Siegel, Chair, presided.

Members of Committee present: Alderman Don LeBrun
Alderman-at-Large Alderman Wilshire
Alderman-at-Large Mark S. Cookson
Alderman-at-Large Michael B. O'Brien

Also in Attendance: Mr. Angelo Marino, Chief Assessor & GIS Manager, City of Nashua

Chairman Siegel

I would like to take up the communications prior to the public comment if that is okay.

COMMUNICATIONS

MOTION BY ALDERMAN O'BRIEN TO READ THE COMMUNICATIONS BY TITLE ONLY MOTION CARRIED

From: Alderman-at-Large Mark S. Cookson
Re: Invitation to Attend SLC Meeting – February 11, 2016

MOTION BY ALDERMAN O'BRIEN TO ACCEPT AND PLACE ON FILE MOTION CARRIED

PUBLIC COMMENT

Mr. Bob Dionne, Laton Building at Railroad Square

My wife is also here as co-owner and my property manager, Joanne. I'd like to hear what you have to say first because I'm not sure what I'm going to be commenting about so we will stay for the meeting and see how it goes along.

Chairman Siegel

Just so you are aware there is a public comment at the very beginning of the meeting and also at the end in case you would like to comment on what was said during the meeting so you are giving two opportunities for public comment.

Mr. Dionne

I do want to say that I appreciate getting a notification of the meeting. I do want to respond to what was in the letter and that is as far as inspections or visits to the Laton Building. The city has always been welcome to come to the Laton Building since I have owned it in 2001. We've had code enforcement there as well as police and fire as the need occurs. The city is certainly welcome to come to our building. I've got some other comments that I'll hold until the end but one thing that strikes me as interesting is the name of your committee. I'm a little concerned about that and it's only a constructive input that it probably should be put in a more

positive way instead of substandard living maybe safe and improved living. I'll leave my other comments until the end.

Attorney Gerald Prunier, Prunier and Prolman, PA

I am here representing 23-25 Temple Street which is the owner of the old "Y" building. One of the requests in the letter was that you would like to come and visit our premises and we welcome you to come. We just ask that you give us a couple of days' notice so that we can notify the tenants. Under the law we have to do that. Even you inspection department when they want to inspect something we have to let the tenants know ahead of time. We have a different clientele that a lot of people are not familiar with. We don't run the Ritz Carleton but we try to run our business the best way we can. Sometimes our problems are our own tenants but we try to make it comfortable for everyone that is involved. There are a lot of people that are out tenants that like the place where they are but others because of problems that they may have, psychological or substance abuse or others, we have to deal with them and unfortunately they cause us problems just as they cause other agencies in the city some problems. We would like to work with your committee to make this better for all of the tenants in the city and the citizens in the city as far as our building is concerned. We have individual problems and maybe in discussing some of the improvements that can be made we can also tell you of the problems that we have with the tenants so you can understand a little bit more of what we are dealing with in the City of Nashua. We will welcome you to come in and visit the premises anytime you want. I will tell you that I was prepared this evening; I have letters from the city that we don't presently have any problems. I can you that maybe tomorrow morning we may have a problem if someone breaks a toilet or something and we have to fix it but we try to get it fixed as fast as possible. We would like to get a dialogue with you and have you visit and then you can be familiar with our problems and we can recognize the problems that you have as a city to try to take care of the citizens as a whole.

Chairman Siegel

Thank you, Mr. Prunier. Just so you are aware as well as everyone else who came for public comment, especially the property owners, the point of the letter was to solicit your input and that's what we are trying to do. This isn't a "witch hunt," we are trying to carefully examine what issues have arisen and come up with whatever solutions collectively that we feel best serve the entire citizenry of Nashua. That might be tenants and landlords also since many people are citizens of Nashua. This is not a persecution committee just so you are aware.

Attorney Prunier

I am familiar with that and I have advised my clients that in my dealings with the Board of Aldermen, for the past 40 years, that if you sit down and talk you resolve problems and that it's when you try to think that the other party is the enemy when they are really not, they are just doing their job.

Chairman Siegel

So that letter that I was about trespassing, that was probably not the approach that you would have recommended?

Attorney Prunier

That was not recommended by me and I think that it was more of a reaction to the fact that; if you talk to your inspection department here in the city they have to give each of the landlords notice that they want to come in and make an inspection. We have to warn our tenants that the city's inspection department is coming in to inspect so they have to be aware of that. Just give us a couple of days so we can notify the tenants that the committee of the Board of Aldermen is going to come in on a certain date between certain hours. That's by state law.

Chairman Siegel

I understand that this is public comment and generally it's not interactive at the full Board level but one of the intentions here was for us to have a dialogue. I think it's worthwhile to have a conversation back and forth and again, to come up with a better way to deal with each other. In my particular case I can tell you that I wasn't there because I was doing an inspection.

Attorney Prunier

I appreciate that. It's sort of like if you pass something then they will hire me to come and fight it. I'd rather discuss it and gets something passed that both parties like and it's a lot better that way.

Chairman Siegel

Thank you very much.

Mr. Bob Dionne, Laton Building at Railroad Square (Home address: 447 Main Dunstable Road)

We do certainly welcome site visits but I'd like to get 48-hour notice only because if we get the notice in the afternoon and it's the next afternoon it might become a problem. If I have a 48 hour notice then I can give the people a 24-hour notice that there could be some people coming into their rooms.

Chairman Siegel

The intent of the committee was to give you that notification and the opportunity to speak. It was not ever the intent of any members of the committee to do anything earlier than 48 hours' notice because by statute this is a public meeting and it requires 48 hours' notice anyway.

Mr. Dionne

Yes, I understand.

Chairman Siegel

That was one of the things that we wanted to communicate. We are just not allowed to show up in a quorum of a committee and not have it be a public meeting. You also have to be aware that the public is permitted to come with us since it is a public meeting of a committee of the Board of Aldermen with a quorum.

Mr. Dionne

Okay and that was my other point. If we have twenty people coming then it becomes an overdone thing. I'm sure you wouldn't have twenty people from the committee but a couple of people from your committee, a couple of the code enforcement people; we've had code enforcement there in the past and we've had building inspectors as well but I understand what you said. The other thing that I wanted to mention is that we have regular inspections of our property at the Laton Building. Joanne, the property manager, is there every day practically or multiple times per day and she makes it a point to deliver the mail to individuals. At first I thought it was very time consuming to do that but in reality it's a good communication to be able to talk to the people and make some observations to see if there are any issues. A more formalized inspection that we do is twice per year, randomly, we do an inspection of which I personally am involved and am there for an inspection of every single room as well as the common areas. The common areas I see at least once a month but individual rooms it's twice per year. In reality, it was about two years ago that we had a call from a disgruntled tenant into the city and it prompted some inspections. Quite honestly we weren't doing 100% of what we should have been doing back then. We woke up and have set up this regular inspection that takes place and

then a follow-up session to make sure that whatever we found was corrected. It can be as simple as an outlet being pulled out because a plug had been pulled and it's loose, a smoke detector that doesn't have a battery in it, various like that. As Gerry mentioned there are some problem individuals that we try to manage to not have but when we do have them we try to manage them properly and make sure that we are doing the right thing by them as well as the community. Other inspections that we have is that we have an annual sprinkler system inspection, an annual fire inspection which goes through all of the fixtures, the exit lights, the emergency lights that go on if the electricity goes off, smoke detectors, carbon monoxide detectors; all of those things are inspected and reported to the fire department and that's an every year occurrence. Pest control inspections; about every three months we have a formal inspection and naturally there is spraying for bed bugs if we do have them. Of course if there is an issue it is more often. As I mentioned earlier code enforcement officers have been there and have been very helpful as we have gotten input from the building department as well that we didn't know 100% about but we've gotten a lot of good input from the city. As Gerry mentioned, we have issues and there's always going to be issues. Today might be fine but tomorrow could have things happening. We have an excellent relationship with the police department too. On an occasional basis I see the police department talking to Joanne and asking her if she knows this person or that person. They also have keys to get in as well. I'll leave it with that, we are working hard to make it as nice and pleasant atmosphere as possible. We go through painting on a regular basis. It's like a battleship, you start at one end and by the time you get to the other end you go back to the beginning again. Thank you.

Chairman Siegel

Is there anyone else who would like to speak during the first public comment? There were none.

DISCUSSION/PRESENTATION

Housing Code and Pending HB 1392

Chairman Siegel

I believe that members' of the committee have gotten some communications about this house bill which changes the ability, as least as currently worded, for code inspectors to go into a housing facility, even under life safety conditions. Alderman O'Brien and Alderman LeBrun, who are members of the committee and also at the state level. Perhaps they can fill us in on that because that is clearly a problem for the City of Nashua.

Alderman O'Brien

I would like to start by saying that some of the concerns, I was unable to make the meeting myself but I did send notification to the Sarah Marchant and to Bill McKinney of the building department and they were able to attend that day. The latest report back is somewhat pleasing. There seems to be an amendment from Representative Turcotte of Stratford 4 and the amendment is 2016 O-42-3H which basically says that prior to any inspection with no consent, the consent can be given by the owner as well as the tenant. That seemed to have cleaned up some of the concerns with the building department and some of the inspectors. It also satisfies the Municipal Associations concern with this. Also I did contact the state fire Marshall to make them aware because they also do inspections and they are on board with this amendment as it stands right now. The current bill has not yet hit the floor so it's still in committee but it will be coming up shortly back up on the docket with the amendment if the amendment is ratified.

Alderman Siegel

For those members of the audience HB13 92 was essentially a piece of legislation that would require the permission of an owner of a property to ask to allow inspectors to access that property, even with a 14-day window or life safety issue were at play such as a leaking gas line or any other potential safety hazards.

Clearly it's an issue for inspection department or any municipality. That's what Alderman O'Brien was addressing.

Alderman O'Brien

Also for people that don't know, if you go to the website, New Hampshire General Court, go to State Legislature and then bring up Quick Bill Search and then put in HB13 92. Sometimes you can put it in by the title or the number if you know it.

Alderman Wilshire

This is a bill that requires the permission of an owner even under life safety conditions?

Alderman O'Brien

The life safety conditions is what it is concerning, it depends how broad of a brush you want to put with that. If the owner of the building did not get a permit; when you obtain a permit part of the permit process is that gives you permission, the building inspector, to enter the premises. Now if there were an emergency type of situation I think that would follow pretty much through with the procedure that is current law. However, this more has to do with the possibility of if somebody was supposed to get a building permit for like replacing a hot water heater and puts it in illegally and then there's carbon monoxide then that's an emergency situation but if the building inspector wanted to come in prior to that and heard that a hot water heater was installed without a permit, he would have to get permission to enter if this bill went through.

Chairman Siegel

If I might clarify, or wait 14 days and one would conclude that 14 days of carbon monoxide probably would not be healthy. In fact this bill has the perverse effect of actually encouraging people to actually not seek a permit for work because that gives it an implied permission for the inspectors to come in. So it was a lot of bad and that they were addressing so hopefully that can get fixed. Are there any other questions?

Alderman LeBrun

Alderman O'Brien has covered it completely; I've got the bill right here in front of me.

Demonstration of GIS Mapping Application for Code Enforcement

Mr. Angelo Marino, Chief Assessor & GIS Manager, City of Nashua

What you see up on the screen is an application that was built for the Community Development Division and the health department for staff in those specific departments where there is public health, code enforcement, building inspection, planning and zoning to use this tool that compiled information from code enforcement cases and matched it with properties in the city that are considered multiple unit properties. On the map the green dots are hotel/motels and rooming houses according to the assessing database. The red dots are multi-family houses and this would include anything from a two-family up through the many hundred unit apartment complexes. The larger the dot the more units are on the property. It's been designed so you can click these dots and see the information. This isn't all of the information but it's a summary of the information of the particular properties. The information about the code enforcement cases goes back for five years and there's no information attached to this tool about what kind of case it is, what the reason for case is; it is merely just tagged with the number of cases at any individual property. The reason behind that is that again, it is a tool that is designed for the staff members who have access to other software and records so if they want to see what their information is about the individual cases then they can go to the records and examine that information but it allows them to get a very quick snapshot of activity in the city.

Chairman Siegel

Just to be clear for everybody who is looking, this first screen is just the total number of properties, these aren't properties with problems. These are just the locations of all of the properties that fit the criteria of being multi-unit either via hotel/rooming house or multi-family homes.

Mr. Marino

That's correct, thank you. The tool also combines a number of different maps which present the information in different formats. The second map is again just a compilation of the previous data but this information is about properties that have had code enforcement cases within the past five years. You can see here that there are two units in this property and there were thirteen cases over the last five years. At Alderman Siegel's request we actually did a little transformation and normalized the information providing the number of cases by the number of units to give it a unitive comparison. So in this case there are 6 ½ cases per unit for this particular property. This map is just a quick snapshot of where the cases have occurred and the symbolization gives you some kind of magnitude as to how many cases there are.

Alderman Cookson

Mr. Marino, I know you indicated that the size of the circles represented; the larger the area the greater number of units.

Mr. Marino

Correct.

Alderman Cookson

But is there a distinction for the color?

Mr. Marino

Yes, the green dots are hotels/motels and rooming houses. The red dots, throughout all of these maps are multi-families, two-family up through 900 units.

Chairman Siegel

The information gets more interesting as we go to the different maps and I'm sure Mr. Marino will take us through the various filtering features.

Mr. Marino

The third map is a presentation of the code enforcement cases per unit for every individual property and what's nice about this is that there are some built-in filters so if I wanted to find out how many cases per unit in these properties is greater than say four then we can apply that filter and you can see all the properties in the multi-family grouping that have had more than four cases per unit. This is 38-40 Kinsley Street and there are four units with a total of 22 cases over the five years which equates to 5 ½ cases per unit. What is even better for code enforcement and the health department and building department is if they wanted to see this property we have built in...this is the property where the blue dot is on the map and it's 38-40 Kinsley Street so if you wanted to see the information you can see all of it built into the map and take it one step further to Google street view. The thing you need to know about Google street view is that the images are probably from 2011. The first image that I showed you were pictometry images which were taken in 2015.

Chairman Siegel

If I might add a little piece of information, we have pictometry images that go back many years so you can actually select the image and you can get a history of a property as it progresses from year to year if you want to click on it. You can look any address up and see what has happened over the years to a property. The point of this filtering isn't a "gee wow" exercise, it's to flip us from being a reactive department, for example give them the tools to be more proactive, to say okay well there are thousands of different locations in the city so which ones have shown up as problems and then you can quickly filter that instead of shuffling through records and trying to do it manually. It can now be done in 60 seconds. This is new and in the spirit of the new cooperation, the new regime here we actually have interactive conversations about this and it's been pretty interesting.

Mr. Marino

The other thing that I wanted to show you on this map is the we also have the ability if we wanted to take a look at any of this stuff and filter it we can interactively add a filter let's say a number of greater than four. Now we can look at the information and what we are able to do with this tool is...

Chairman Siegel

I just want to clarify why this would be good. A CSV file which means a comma separated value file; that means you can export it to Excel.

Mr. Marino

The final map to assist the departments is a map which presents the data and the ability to query by the number of cases. We can do this for hotel/motels, rooming houses or multi-families.

Chairman Siegel

That box that he clicked which says "add as operational layer," that's the thing that allows you to separate out just the thing you want to search for and get rid of the background data if you want. You need a separate layer to be able to do that.

Mr. Marino

When you create a query it creates another temporary operational layer and when you save it as an operational layer that allows you to do certain things like make the parent data go away and if you don't want to see this you can make that table go away. If you don't save it as an operational layer all of the blue dots would disappear and we wouldn't know where we are. It's very powerful and friendly to create these tools and in the same way in the previous map we had pictometry images and Google Earth images there are widgets that present the pictometry and Google Earth panels.

Chairman Siegel

The point of this is to show us a tool that is being developed that will allow the department to be more proactive. We are trying to switch over from an environment where everything is driven in a reactive sense based on a tenant issue which may or may not be reported to something which is more proactive and not waste the limited amount of resources that we have to do the job. The one thing that I do want to caution people of is that you have to be very careful that the absolute number doesn't indicate necessarily that the landlord is a violator. You always have to say what's really behind the number. There's one property on there I know of that looks like it has a tremendous amount of violations but they are all from one particular individual who reported problems and I happen to know that that individual is a little bit interesting shall we say. This

isn't the be all end all. You have to be careful when you look at the data.

Alderman Cookson

Mr. Marino, wonderful job, thank you for the collaboration with Chairman Siegel on this and for the work that you are doing to aid the departments with their wants and needs. I want to understand what data is feeding this. What are the records that are being utilized in order to be able to identify this particular violation or code issue and how is that captured and correlated? Finally I would be really interested in knowing; I think you said that it consists of five years' worth of data so does this go back to 2011 as the first year?

Mr. Marino

Yes, I believe it does.

Alderman Cookson

Then I would be interested in knowing how it is maintained and how it gets updated annually or frequently.

Mr. Marino

All of that information is maintained within the Community Development Division by code enforcement. They have an application called City View where they enter building permits and inspections. They tag a particular property with whatever event is occurring within their department and they keep those records. They start with the assessing records and in the assessing records every individual property in the city has an account number so every property is identified by a five digit number that number stays with the property. If you sell it, it still stays with the property. Within assessing there is certain information that we maintain like the size of property, number of units and assessed value along with the account number. Within City View they maintain their set of information and they also have the account number for the property. Now we have two keys which are the same. The IT department spun off a CSV file of account numbers and number of cases that were (inaudible) for the last five years for every account. I joined that information to the GIS information and then just extracted those tables into a format that allows it to be presented in GIS and then published the information so it could be consumed by this application which is called "Our GIS on-line." It doesn't really make any difference which department is dealing with properties, any property in the city has an account number and if their records have an account number then we can match that information with our information and really just extract, join and relate the information so that when you click on the map you can see the related or the joined information in the records. In this particular case this information is a snapshot, it's not a related record which means that it won't ever be live like GIS records are. If you buy a property today and the ownership changes on it and we've changed it then your name is now on the property. Those are relates and this is a join which means we take the two pieces of information and mash them together and then extract that mashed up data into a separate table so it's not a live occurrence.

Alderman Cookson

How current is it?

Mr. Marino

I got the extract about a week and a half ago.

Alderman Cookson

Is it a long and tedious process to do this and do you have a process in place to determine the frequency in which you might be updating this? Is it monthly or quarterly?

Mr. Marino

We haven't really talked about that. I'm going to let the Community Development Division drive that bus. It's not long and tedious but it is a process. It won't take long to update it and it could be done quarterly. The other possibility is that we get the information into a database rather than use CSV extracts.

Alderman LeBrun

City View, is that a private management company?

Mr. Marino

City View is a software company that provides permitting software. It's a software module that Community Development now utilizes for their permitting process.

Chairman Siegel

I want to add the Mr. Marino and I had talked about the possibility of integrating other departmental information such as police activity and general life/safety calls but there is complexity associated with that, departments have different rules about sharing information and understandably so. That's probably further down the road but for our immediate purposes this just allows the department itself with limited resources to take a look at where historically there have been issues. With the pictometry and the ability to look back over time and see what this looked like last year or in years prior and is it progressing for better or worse. Part of the difficulty of a five year back snap shot is that it could be back-end loaded. A lot of calls could have been four or five years ago but everything got fixed but it takes a while for it to flush out and hopefully we can fine tune that a little bit so we can really see what the current hot spots are. Is that fair to say, Mr. Marino?

Mr. Marino

Exactly and I think we have just scratched the surface of this tool. If there are ways to examine the data that we can present we would be happy to do that. We are discovering how to utilize the tool. It's not limited to this application; there are other types of things that the Aldermen want to see and take advantage of; especially the ability to build in that pictometry application. Sometime in the spring we are having another flight of the Broad Street Parkway area so I will be able to examine the before 2015 and in 2016 after the Broad Street Parkway. We can build those kinds of things into applications like this and we are happy to do it because when it comes to GIS this is the be all and the end all, it's really neat stuff.

Alderman O'Brien

Mr. Marino, nice job as always. I notice when you have the contact information of the owners of the property I see it by mailing address, does it just stop there? Is there emergency contact numbers that are listed for the property?

Mr. Marino

No, that information all comes from the assessing database and we don't have that information in the assessing database; we don't have emergency contact information. We don't have personal information other than name, address and the location of the property. That's not to say if it's available someplace else and we can grab it we can always link it.

Alderman O'Brien

I respect the sanctity of privacy and I don't think I would want it out there in the public domain. I'm thinking

more of an emergency situation such as if the fire department is involved or something that is seriously going wrong with the property; it would be an asset to be able to get ahold of the owner.

Mr. Marino

I understand it and all of the information that you see presented this evening is public information. We specifically did not put any information there that might be privileged or confidential.

Alderman Cookson

The information that we are viewing right now is only as good as the information that actually gets inputted. I was curious about one property in particular, the property on Broad Street. My question is what designation does that property have? Is it a hotel or is it an RV? How does that get designated?

Mr. Marino

That comes from assessing.

Chairman Siegel

The code enforcement right now in the City of Nashua has limited ability to do code enforcement at motels and hotels and rooming houses. Part of the information provided with the agenda is model ordinances from Concord and Portsmouth which talk about the registration of hotels, motels and rooming houses and certificates that are required on a yearly basis. The idea being to hold those rooming houses to the same standards that we would for multi-family homes and to give powers of enforcement which we don't currently have but are available to us by statute at the state level, we just have not adopted a set of ordinances. Community Development right now is working on some models for how best to provide for that. The idea right now which you'll see in the agenda is a \$25.00 registration fee per year and then there is an inspection that is done. I believe this would also be for multi-family homes. The idea is that there is a housing code which we receive and if you look at the rules in the housing code they are pretty thorough but they don't apply right now to rooming houses, motels and hotels and we would like them to apply and give our code inspection a proactive ability to go in and do these inspections and to make sure that these places are up to snuff. Hopefully some members of the Community Development team will come at one of our future meetings and we can talk about it. The whole point of this committee is to start with a tool set and move forwards so that we have a uniform solution to this problem which encompasses all of the points of view, both tenants and property owners because they have to be invited too. Introduced last night was a piece of legislation which is the first step which is basically a ticketing system to provide some sort of enforcement tool which is rational for the housing code that we already have. Right now you pretty much have to go to court for everything. We are trying to fix that and that ordinance was crafted by Community Development.

Mr. Marino

The classifications come from the assessing database and the classification is tied to the model which builds the assessed value. In that particular case there are two properties and one is designated as a multi-family and one is designated as a motel. It may or may not fit in with whatever Community Development is going to ultimately put forward but that's how it is done.

Alderman Cookson

Do you have an RV assessment? I know that one of the things that have been mentioned particular to that property is that there is an RV component.

Mr. Marino

You mean a campsite?

Alderman Cookson

Yes.

Mr. Marino

We would probably just designate that as commercial and build a model because if it's just land that's used then we would designate it as commercial land and use the income indicators in order to arrive at an assessment for that property, much the same way that all of the mobile home parks in the city are assessed.

Alderman Cookson

So they would mimic that? The mobile homes are classified as commercial?

Mr. Marino

Yes.

Chairman Siegel

Are there any other questions for Mr. Marino? There were none.

I just wanted to say that interaction that we were hoping to have had the visits to some of the sites when there was an invitation so we could have had an interactive discussion at this meeting but since that didn't occur hopefully we can arrange for that at the next meeting. Based on what we discussed we can invite in the property owners to share with us our joint experiences.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN

Alderman O'Brien

I just wanted to say that interaction that we were hoping to have had the visits to some of the sites when there was an invitation so we could have had an interactive discussion at this meeting but since that didn't occur hopefully we can arrange for that at the next meeting. Based on what we discussed we can invite in the property owners to share with us our joint experiences.

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

**MOTION BY ALDERMAN WILSHIRE TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 8:01 p.m.

Alderman-at-Large Michael B. O'Brien
Committee Clerk